REMARKS

In the Final Office Action, claims 1-20 were rejected. All claims are believed to be patentable in their current form, and their reconsideration and allowance are requested.

Claims 1-20 were all rejected as unpatentable over the combination of Matteson et al. (U.S. Patent No. 7,164,684; hereinafter "Matteson") and Palmer et al. (U.S. Patent No. 6,141,355; hereinafter "Palmer"). Applicants note first that the application includes three independent claims, namely claims 1, 10, and 18. In the detailed formulation of the rejection of claims 10 and 18, no mention was made of Palmer. Accordingly, Applicants have treated the rejection of independent claims 10 and 18 as being on the basis of 35 U.S.C. §102(e). Applicants would draw the Examiner's attention to the fact that, although Matteson itself qualifies only under 35 U.S.C. §102(e), its prior publication would apparently qualify as prior art under 35 U.S.C. §102(a). However, because the invention is believed to be clearly patentable over Matteson or the combination of Matteson with Palmer, this distinction is not material to the comments made below.

Claim 1 and the claims depending therefrom.

Claim 1 recites a communication device that has two portions connected to first and second points. The first portion is configured to *manage collisions* among a first set of messages transmitted from the first point to the second point. The second portion, on the other hand, is configured to transmit *free of collision management* a second set of messages from the second point to the first point (*i.e.*, in the opposite sense). An example of how this transmission may be accomplished *free of collision management* is described in paragraph 21 of the originally filed specification (namely, isolation of the upward and downward messages).

The Examiner is said to have identified in Matteson similar first and second portions, but admitted that Matteson does not disclose a device in which the second portion is configured to transmit *free of collision management* a second set of messages.

See Final Office Action, page 3. The Examiner then relied upon Palmer for teaching an "enhanced network comprising an X-hub 4 allowing concurrent transmissions through several network interface points without resulting collisions." *Id.*

It appears from the argument section of the Final Office Action that the Examiner has read the recitation "transmit free of collision management a second set of messages" in claim 1 broadly as including transmission of a second set of messages with *any* type of management, as long as the transmission is free of collisions. In effect, the Examiner appears to be reading claim 1 as follows: transmit, free of collision, management a second set of messages. It appears that the Examiner has focused on the language "free of collision" instead of the proper reading "collision management." The Examiner is directed to review M.P.E.P 2111.01 which states "ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean *exactly what they say*." (Emphasis added). By refusing to read the term "collision" as an adjective that modifies the term "management", the Examiner renders claim 1 unintelligible. Specifically, when claim 1 is read as the Examiner has attempted to argue, namely "to transmit free of collision" followed by "management a second set of messages", the phrase "management a second set of messages" is meaningless and incomprehensible. This reading twists the plain meaning of the words and creates potential § 112, second paragraph problems. *See* M.P.E.P 2173.02.

When one contrasts the Examiner's reading of claim 1 with the proper reading of "collision", that of an adjective modifying the term "management" (a more reasonable interpretation given the fact that the words "free of collision" are not set off from the remainder of claim 1 by commas), it becomes apparent that this reading has none of the issues described above. Thus, as properly interpreted, claim 1 reads, "transmit free of *collision management* a second set of messages. The X-Hub 4 of Palmer does allow for concurrent transmission of messages, however, it does so *with collision management*.

See Palmer, abstract and col. 10, lines 10-12 and 27-34. As such, it appears that the arbitration mechanism described by Palmer is more correctly classified as transmission *with collision management*. Transmission with collision management is performed by the "first portion" of claim 1, not the "second portion." In effect, the Examiner has cited two references, each of which describes the "first portion" recited in claim 1, and has failed to cite any references describing the "second portion" of claim 1. No combination of Matteson and Palmer could, then, fairly teach the first *and* second portions recited in claim 1 because both references appear to teach collision avoidance.

Since Neither Matteson nor Palmer teaches any parallel path, or any similar transmission arrangement that would support a modification of Matteson or Palmer in a manner that could read on the collision managed path and the collision management-free path that are the focus of claim 1, the combination of Matteson and Palmer cannot support a *prima facie* case of obviousness of claim 1. Claim 1 and its dependent claims are therefore believed to be clearly patentable over the proposed combination. Their reconsideration and allowance are requested.

Claim 10 and the claims depending therefrom.

The rejection of independent claim 10 was supported by an argument based upon Matteson alone. No proposed combination or modification of Matteson based on Palmer was argued by the Examiner. The recitations of claim 10 are believed to be clearly distinguished from Matteson for the reasons discussed below.

The Examiner relied upon a single figure and a passage from Matteson to support the rejection of claim 10. *See* Final Office Action, page 5. This passage, and the Matteson reference in general, does teach a connectivity device that has multiple modules. However, claim 10 is more specific than the simple provision of a network hub and a network switch. Specifically, claim 10 recites, in relevant part:

> a first plurality of connections for connecting said hub portion to *a plurality of first points* on a bi-directional communication network and to *a second point* on the bi-directional communication network; and a second plurality of connections for connecting said switch portion to *said plurality of first points and to said second point*. (Emphasis added).

The Examiner argued that the second point of claim 10 is described in Matteson as the CPU of FIG. 5, while the plurality of first points are elements 16 illustrated in FIGS. 1-4. Final Office Action, page 5. Even if this were to be accurate, the Matteson reference still fails to anticipate all elements of claim 10. Claim 10 specifically references a *first plurality* and *a second plurality* of connections that are *commonly connected* to the shared plurality of first points and a common second point. The device and hub portions of any communication device 16 all appear to be singular in their connections, and do not include a plurality of connections, as recited in claim 10. Moreover, as best illustrated in FIGS. 1-4, the connections emanating from the hub portion of communication devices 16 do not connect to commonly shared endpoints of the device portions of communication devices 16. Instead, every hub and corresponding device connection terminate at a distinct and independent device. Thus, because the Matteson fails to describe a first and second *plurality of connections* that are *commonly connected* to the shared plurality of first points and a common second point, Matteson cannot support a rejection under 35 U.S.C. §102 or under 35 U.S.C. §103 of claim 10 or its dependent claims. Their reconsideration and allowance are requested.

Claim 18 and the claims depending therefrom.

Similar to the rejection of claim 10 discussed above, claim 18 was only argued as unpatentable over Matteson. No use of Palmer was made in the rejection formulated by the Examiner. Claim 18 recites a method having steps essentially similar to the connections recited in claim 10. The arguments set forth above with respect to claim 10 may be applied to claim 18. Accordingly, and for similar reasoning as set forth above with respect to claim 10, claim 18 and the claims depending therefrom are believed to be

clearly patentable over Matteson (or any combination of Matteson with Palmer). Reconsideration and allowance of claim 18 and its dependent claims are respectfully requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: January 7, 2008

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